

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

ANDREW McKEVITZ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:18-cv-0132-PLR-HBG
)	
SILVER CITY RESOURCES, INC.,)	
)	
Defendant.)	

MOTION TO WITHDRAW

COMES NOW James H. Snyder, Jr., attorney of record for Defendant, Silver City Resources, Inc., pursuant to the Federal Rules of Civil Procedure, Rule 74, and the Local Rules of the United States District Court for the Eastern District of Tennessee Rule 83.4 and respectfully moves this Honorable Court for an Order relieving said counsel from further professional obligations related to Defendant Silver City Resources, Inc., with respect to the above-styled cause. As grounds supporting said Motion, counsel for Defendant stands ready to show as follows:

1. Silver City Resources, Inc., whose principal place of business is located at 2950 S. Rancho Drive, Suite 204, Las Vegas, Nevada 89102, phone number (702) 876-4209, through its Registered Agent, President, Secretary, Treasurer, and Director Terri L. Monteith (previously Terri L. Brittain), hired undersigned counsel, James Snyder, Jr., to represent its interests in this action.

2. As counsel for Defendant, I have promptly and professionally represented the Defendant including notifying the Defendant of the deadlines set out in this Court's scheduling order through its Agent and Officer Terri L. Monteith.

3. Undersigned counsel has attempted to communicate with the Defendant corporation through Terri L. Monteith, the only known agent and officer on numerous occasions regarding this case, in order to effectively litigate same but she has failed to communicate with counsel in a manner which allows counsel to continue to represent the defendant.

4. Defendant has failed to cooperate in counsel's representation.

5. Defendant has failed to honor its contractual obligations.

6. Extraordinary circumstances exist requiring counsel's withdrawal due to the Supreme Court of Tennessee's Rules of Professional Conduct, Rule 8 §1.16 (b), which states, "(4) the client insists upon taking action that the lawyer considers imprudent; (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled."

7. In compliance with the Tennessee Rules of Professional Conduct, counsel's "withdrawal can be accomplished without material adverse effect on the interests of the client." Tenn. Sup. Ct. R., RPC 8 §1.16 (b)(1). The trial in this case is currently not scheduled to commence until September 15, 2020, however the Defendant has not responded to discovery properly served upon it and it is anticipated that compliance with discovery is necessary prior to the trial;

8. Despite notice that counsel has given the Defendant of his intention to withdraw from further representation, the Defendant has failed to obtain substitute counsel to represent its interests.

WHEREFORE, for the foregoing reasons, James H. Snyder, Jr., requests to be withdrawn as attorney of record for Defendant Silver City Resources, Inc., in this case.

Respectfully submitted this the 5th day of February 2020.

s/James H. Snyder, Jr.
James H. Snyder, Jr. BPR# 013422
Attorney for Defendant
345 South Hall Road
Alcoa, Tennessee 37701
(865) 981-4966

CERTIFICATE OF SERVICE

In compliance with local rule 83.4 of the U.S. District Court for the State of Tennessee (Eastern Division), I hereby certify that the Defendant was provided a copy by U.S. mail and email on the 5th day of **February 2020**, and that I intend to electronically file the foregoing Motion to Withdraw and proposed Order with the Clerk of the Court for the Eastern District of Tennessee by use of the CM/ECF system on **20th** day of **February, 2020**, and to provide on said date a service copy of same to counsel for the Plaintiff set out below.

Stephen H. Byrd, BPR #030014
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Attorney for Plaintiff
9051 Executive Park Drive, Suite 200
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s/James H. Snyder, Jr.
James H. Snyder, Jr.